

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>8:05CR234</b>
	)	
<b>vs.</b>	)	<b>ORDER</b>
	)	
<b>DANIEL C. HART,</b>	)	
	)	
<b>Defendant.</b>	)	

This matter is before the court on the motion for an extension of time by defendant Daniel C. Hart (Hart) (Filing No. 13). Hart seeks an extension of time of approximately forty-five days of the progression order deadlines. Defense counsel represents to the court that counsel for the government has no objection to the extension. Hart has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Hart consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 14). Upon consideration, the motion will be granted.

**IT IS ORDERED:**

1. Defendant Hart's motion for an extension of time (Filing No. 13) is granted.
2. The discovery deadline in paragraph 2 of the progression order (Filing No. 12) is extended **to September 1, 2005.**
3. Defendant Hart is given until **on or before September 16, 2005**, in which to file pretrial motions pursuant to paragraph 3 of the progression order (Filing No. 12).
4. The tentative setting of an evidentiary hearing for 9:00 p.m. on August 9, 2005, is **canceled** and will be re-scheduled in the event any pretrial motions are filed in accordance with this order.

5. The trial setting of September 6, 2005, is **canceled** and will be rescheduled following the disposition of any pretrial motions or the expiration of the pretrial motion deadline, whichever later occurs.

6. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **July 15, 2005 and September 16, 2005**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

DATED this 15th day of July, 2005.

BY THE COURT:

s/Thomas D. Thalken  
United States Magistrate Judge